

Amendment No. 2 to HB0008

Watson
Signature of Sponsor

AMEND Senate Bill No. 579

House Bill No. 8*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-605, is amended by deleting subsection (d) and substituting instead the following:

(d)

(1) A violation of this section is a Class A misdemeanor.

(2) A violation of this section is a Class E felony if:

(A) The defendant disseminates or permits the dissemination of the photograph to any other person; or

(B) The victim of the offense is under thirteen (13) years of age at the time of the offense.

(3) A violation of this section is a Class D felony if:

(A) The defendant disseminates or permits the dissemination of the photograph to any other person; and

(B) The victim of the offense is under thirteen (13) years of age at the time of the offense.

(e) Nothing in this section shall preclude the state from electing to prosecute conduct in violation of this section under any other applicable section, including title 39, chapter 17, parts 9 and 10,

SECTION 2. Tennessee Code Annotated, Section 39-13-607, is amended by deleting subsection (d) in its entirety and by adding the following language:

(d)

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(1) A violation of this section is a Class A misdemeanor.

(2) A violation of this section is a Class E felony if the victim is under the age of thirteen (13) at the time the offense is committed.

(e) Nothing in this section shall preclude the state from electing to prosecute conduct in violation of this section under any other applicable section.

SECTION 3. Tennessee Code Annotated, Section 40-39-202(20)(A), is amended by adding the following language as new, appropriately designated subdivisions:

() Observation without consent, under § 39-13-607 when the offense is classified as a Class E felony;

() Unlawful photographing under § 39-13-605 when the offense is classified as a Class E or Class D felony.

SECTION 4. This act shall take effect July 1, 2014, the public welfare requiring it, and shall apply only to offenses occurring on or after July 1, 2014.